

Attorney Docket No.: MCP-0141
Inventors: Halpern and England
Serial No.: 09/744,406
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REMARKS

Claims 1-3, 7-10, 12, 16-18, 34, 35 and 39 are pending in the instant application. In the Advisory Action dated July 2, 2004, the Examiner maintained the rejection of these claims under 35 U.S.C. §112, first paragraph, for lack of written description.

Thus, in an earnest effort to advance the prosecution of this case, Applicants are filing herewith a Request for Continued Examination and requisite fee. Further, Applicants are canceling pending claims 1-3, 7-10, 12, 16-18, 34, 35 and 39 and adding new claims 40 through 43 have been added.

New claims 40-41 are drawn to the proto-oncogenes specifically disclosed and/or described in the specification at pages 17- 26. Claim 40-41 are clearly supported by the written description of the specification. Teachings at page 17-26 of the instant specification make clear that applicants were clearly in possession of the invention as set forth in claims 40-41. Further, the instant specification and its teachings clearly place the public in possession of the invention as claimed in claims 40-41.

Applicants have also added new claims 42 and 43 drawn to proto-oncogenes demonstrated through either working examples in the specification or through subsequent publications to function

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in accordance with the claimed invention. Specifically, claims 42 and 43 are drawn to cellular immunogens for immunizing a host against the effects of the product of a target proto-oncogene and methods for preparing these cellular immunogens where the target proto-oncogene is selected from the group consisting of *c-erbB-2* (HER2/neu), *c-myc* and *c-src*. *myc* and *src* proto-oncogenes are demonstrated by the working examples provided at pages 44-54 of the instant specification to provide effective cellular immunogens in accordance with the claimed invention while the teachings of Cefai et al., a copy of which was provided with Applicants' response filed May 10, 2004, confirm teachings of the specification concerning the utility of the proto-oncogene *c-erbB-2* (HER2/neu) as a cellular antigen as claimed. These new claims thus also meet the written description requirements of 35 U.S.C. § 112, first paragraph. No new matter has been added by these amendments and entry is respectfully requested.

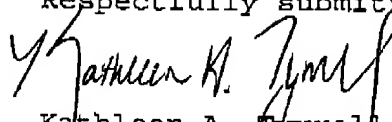
Conclusion

Applicants believe this Preliminary Amendment is responsive to all issues of record. Reconsideration and allowance of the pending claims is earnestly solicited in light of the above

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described amendments and remarks.

Respectfully submitted,


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